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ROYAL ORDINANCES CONCERNING THE LAYING OUT OF NEW TOWNS

To those who, like the writer, have observed the uniformity of the plans of so many Hispano-American cities and enjoyed the beauty of their central plazas filled with trees and flowers and surrounded by public buildings, and their picturesque churches, the following ordinances concerning the laying out of towns in the New World, issued by King Philip II. from the Escorial in 1573 can not but be of interest.

These ordinances are contained in the voluminous royal decree entitled: "Ordinances concerning discoveries, settlements, and pacifications", which remarkable document I came across in the National Archives in Madrid in 1912. Being particularly impressed by the wisdom and foresight revealed in the set of ordinances relating to the choice of the sites and the laying out of new towns, I copied these for future reference and use and am now pleased to present to the readers of *THE HISPANIC AMERICAN HISTORICAL REVIEW* so interesting a legacy from the past.

It seems more than probable that these ordinances issued by the painstaking monarch were the outcome of long discussions with the group of the foremost architects, engineers, and learned men of his time whom he assembled about him at his court when the palace of the Escorial was in process of construction. It is obvious that the plan he prescribed was an ideal one which embodied all advantages from the various points of view of artists, churchmen, engineers, architects, strategists, meteorologists, and hygienists. No feature that could ensure the beauty, commodiousness, and salubrity of a town seems to have been overlooked.

On the one hand minute directions are given concerning the proportions and size of the main square which was to form the nucleus of every town; to furnish a plan of recreation for its

inhabitants; and to be surrounded by stately public buildings, shops, and commercial houses only lined with an arcade. Four main streets, also lined with arcades, were to extend from the middle of each of the sides of the square, while two minor streets were to converge at each of its corners. These were to face the cardinal points so that the main streets leading to the square should not be exposed to the four principal winds "which would cause much inconvenience". The parish church and monasteries were to occupy entire blocks, the only buildings permitted near them being such as would add to their ornamentation or commodiousness.

The site of the parish church of a coast town was to be chosen, preferably on an elevation, so that it would be visible to those who landed and could also serve as an additional means of defense for a port. On the other hand it is a surprising revelation to find that each town was to support two hospitals. One of these, for the poor suffering from non-contagious diseases was to be built within the cloister or enclosure of the church. The other, for those stricken with contagious diseases, was to be built, if possible, on elevated ground and so placed that the prevailing winds passing over it would not convey hurt to the inhabitants of the rest of the town.

Sea ports were to be oriented according to the prevailing winds. The sea was not to lie at their south or west. If possible they were not to be near lagoons and swamps in which venomous animals [mosquitoes?] breed and which corrupt the air and water.

All fisheries, slaughterhouses, tanneries, and other industries producing filthy refuse were to be relegated below the town to seashore or river bank where the refuse could be conveniently disposed of and where the prevailing wind would carry away the evil smells. A wise order, intended to ensure the comfort of their inhabitants, is one directing that while in cool climates streets were to be wide, in hot countries they were to be narrow so that they would always be shaded and cool.

When one considers the haphazard way most North American towns have sprung up without a thought being given to their future beauty or sightliness, commodiousness, salubrity, or

growth, one can not but regretfully realize what opportunities have been lost, and what a benefit it would have been if, throughout the New World, King Philip's ordinances had been known and followed. As it is, they constitute what was probably the most remarkable attempt ever made to formulate principles of town planning and to impose their execution, *pro bono publico*, on the pioneers of a New World whose descendants to this day have good reason to be grateful to their authors, the Spanish king and his counselors.

ZELIA NUTTALL.

REAL ORDENANZAS PARA NUEVAS POBLACIONES, ETC.¹

San Lorenzo, 3 de Julio 1573. Yo el Rey. Ordenanzas para descubrimientos, nuevas poblaciones y pacificaciones.

110. . . . Aviendo hecho el descubrimiento elegido de la Provincia Comarca y tierra que se oviere de poblar y los sitios de los lugares adonde se han de hazer las nuevas poblaciones y tomándose el asiento sobre ellos, los que fueren a cumplirlo executen en la forma siguiente = llegando al lugar donde se a de hazer la población el qual mandamos que sea de los que estuvieren vacantes y que por disposición ñra se puede tomar sin perjuicio de los yndios y naturales, o con su libre consentimiento se haga la planta del lugar rrepartiendola por sus plaças calles y solares a cordel y rregla, començando desde la plaça mayor, y desde alli sacando las calles a las puertas y caminos principales y dexando tanto compas abierto que aunque la población vaya en crecimiento se pueda siempre prosseguir en la mesma forma, y auiendo dispusición en el sitio y lugar que se escogiere para poblar se haga la planta en la forma siguiente.

111. Auiendo Hecho la Eleçion del sitio adonde se ha de hazer la población que como esta dicho a de ser en lugares lebantados, a donde aya sanidad fortaleza fertilidad y copia de tierra de labor y pasto, leña y madera y materiales, aguas dulces, gente natural, comodidad, acarretos, entrada y salida, que este descubierto de viento norte, siendo en costa tengase consideración al puerto y que no tenga al mar al medio dia ni al poniente si fuere possible no tenga cerca de si lagunas ni pantanos en que se crien animales venenossos y corrupçion de ayre y aguas.

¹ Pressmark: "MS. 3017. Bulas y Cédulas para el Gobierno de las Indias."

112. La Plaça mior de donde se a de començar la poblacion siendo en costa de mar se deue hazer al desembarcadero del puerto y siendo en lugar mediterraneo, en medio de la poblacion. La plaça sea en cuadro prolongado que por lo menos tenga de largo una vez y media de su ancho porque este tamaño es el mejor para las fiestas de a cavallo y qualesquier otras que se ayan de hazer.

113. La grandeza de la plaça sea proporcionada a la cantidad de los vezinos teniendo consideracion que en las poblaciones de yndios como son nuebas se van y es con yntento de que an de ir en aumento y anssi se hara la Eleçion de la plaça teniendo rrespecto a que la poblacion puede crecer, no sea menor que de duçientos pies en ancho y treçientos en largo, ni mayor de ochocientos pies de largo y treinta y dos [sic] de ancho de mediana y de buena proporçion es de seysçientos pies de largo y quatroçientos de ancho.

114. De la plaça salgan quatro calles principales una por medio de cada costado de la plaça y dos calles por cada esquina de la plaça, las quatro esquinas de la plaça miren a los quatro vientos principales, porque desta manera saliendo las calles de la plaça no estan expuestas a los quatro vientos principales que seria de mucho ynconveniente.

115. Toda la plaça a la rredonda y las quatro calles principales que dellas salen tengan portales, porque son de mucha comodidad para los tratantes que aqui suelen concurrir, las ocho calles que salen de la plaça por las quatro esquinas lleguen libres a la plaça sin encontrarse con los portales retrayendoles de manera que hagan azera derecha con la calle y plaça.

116. Las calles en lugares frios sean anchas y en los calientes sean angostas, pero para defenssa adonde ay cauallos son mexores anchas.

117. Las calles se prossigan desde la plaça mior de manera que aunque la poblacion venga en mucho crecimiento no venga a dar en algun ynconveniente que sea caussa de afear lo que se houiere reedificado o perjudique su defenssa y comodidad.

118. A trechos de la poblacion se vayan formando plaças menores en buena proporçion adonde se an de edificar los templos de la yglesia mayor, parrochias y monasterios de manera que todo se rreparta en buena proporçion por la dotrina.

119. Para el temple de la yglesia mior siendo la poblacion en costa se edifique en parte que en saliendo de la mar se vea y su fabrica que en parte sea como defenssa del mesmo puerto.

120. Para el templo de la yglesia mior parrochia o monasterio se señalen solares, los primeros despues de la plaça y calles y sean en ysla

entera de manera que ningun edificio se le arrime sino el perteneciente a su comodidad y ornato.

121. Señalese luego sitio y lugar para la cassa Real de conçejo y cavildo y aduana y atarazana junto al mesmo templo y puerto de manera que en tiempo de neçessidad se puedan fauoreçer las unas alas otras. El ospital para pobres y enfermos de enfermedades que no sean contagiosas se ponga junto al templo y por claustro del, para los enfermos de enfermedades contagiosas se ponga el ospital en parte que ningun viento dañoso passando para el vaya a herir en la demas poblacion, y si se edificare en lugar leuantado sera mejor.

122. El sitio y solares para carnicerías, pescaderías, tenerías y otras cosas que se caussan ynmundicias se den en parte que con facilidad se puedan conserbar sin ellas.

123. Las poblaciones que se hizieren fuera del puerto de mar en lugares mediterraneos si pudieren ser en ribera de rio navegable sera de mucha comodidad y procuresse que la ribera quede la parte del cierço y quede la parte del rrio y mar, baxa de la poblacion se pongan todos los oficios que caussan ynmundicias.

124. El templo en lugares mediterraneos no se ponga en la plaça sino distante della y en parte que este separado de edificio que a el se llegue que no sea tocante a el, y que de todas partes sea visto porque se puede ornar mejor y tenga mas authoridad, ase de procurar que sea algo leuantado del suelo de manera que se aya de entrar en el por gradas y çerca del entre la plaça mior y se edifiquen las cassas rreales y del conçejo y cauildo aduana no de manera que den embaraço al templo sino que lo authorizen, el ospital de los pobres que no fueren de enfermedad o contagiosa a la parte del çierço con comodidad suya de manera que goze del medio dia.

125. La mesma planta se guarde en qualquier lugar mediterraneo en que no aya ribera con que se mire mucho que aya las demas comodidades que se Requieren y son menester.

126. En la Plaça no se den solares para particulares donde para fabrica de la yglessia y cassas Reales y propios de la çiudad y edificuense tiendas y cassas para tratantes y sea lo primero que se edifique para lo qual contribuyan todos los pobladores y se ymponga algun moderado derecho sobre las mercaderías para que se edifiquen.

127. Los demas solares se rrepartan por suerte á los poladores continuandolos a los que dellos corresponden a la plaça mior y los que restaren queden para nos para hazer mrd. dellos a los que despues fueren a poblar, o, lo que la nra mrd fuere, y para que se açierte mejor lleuase siempre hecha la planta de la poblacion que se ovieren de hazer.

128. Auiendo hecho la planta de la poblacion y rrepartimiento de solares cada vno de los pobladores en el suyo assienten su toldo si lo tuuiere para lo qual los capitanes les persuadan que los lleuen y los que no los tuuieren hagan su rrancho de materiales que con façilidad puedan auer, adonde se puedan rrecoger y todos con la mayor presteza que pudieren hagan alguna paliçada o trinchea en çerco de la plaça de manera que no puedan rreçiuir daño de los yndios naturales.

129. Señalese a la poblacion exido en tan competente cantidad que aunque la poblacion vaya en mucho crecimiento siempre quede bastante espacio adonde la gente se pueda salir a recrear y salir los ganados sin que hagan daño.

130. Confinando con los exidos se señalen dehessas para los buyes de labor y para los Cauillos y para los ganados de las carnicerías y para el numero ordinario de ganados que los pobladores por ordenança an de tener en alguna buena cantidad, mas para que se acojan para propios del conçejo y lo rrestante se señale en tierras de labor de que se hagan suertes en la cantidad que se ofregiere de manera que sean tantas como los solares que puede auer en la poblacion, y si ouiere tierras de regadio se haga dellas suertes y se repartan en la misma proporçion a los primeros pobladores por sus suertes y los demas queden para nos, para que hagamos mrd a los que despues fueren a poblar.

131. En las tierras de labor repartidas luego ynmediatamente siembren los pobladores todas las semillas que llebaren y pudieren auer, para lo qual conviene que vayan muy proueydos y en la dehessa señaladamente todo el ganado que llebaren y pudieren juntar para que luego se comience a criar y multiplicar.

132. Auiendo sembrado los pobladores y acomodado el ganado en tanta cantidad y con tan buena diligencia de que esperen aver abundancia de comida comiençen con mucho cuydado y valor a fundar sus cassas y edificar de buenos cimientos y paredes, para lo qual vayan aperçibidos de Tapiales ó tablas para los Hazer y todas las otras herramientas para edificar con brebedad y a poca costa.

133. Dispongan los solares y edificios que en ellos hizieren de manera que en la habitacion dellos se pueda gozar de los ayres de medio dia y del norte por ser los mejores disponganse los edificios de las cassas de toda la poblacion generalmente, de manera que sirban de defenssa y fuerça contra los que quissieren estorbar ó ynfestar la poblacion y cada cassa en particular la labren, de manera que en ella puedan tener sus cauillos y vestias de servicio con patios y corrales y con la mas anchura que fuere pussible para la salud y limpieza.

134. Procuren quanto fuere possible que los edificios sean de vna forma por el ornato de la poblacion.

135. Tenga cuidado de andar viendo como esto se cumple, los fieles executores y alarifes y las perssonas que para esto diputare el gouernador, y que se den priessa en la labor y edificio para que se acabe con brevedad la poblacion.

136. Si los naturales quissieren poner en defenssa de la poblacion se le de a entender como se quiere poblar alli no para hazerles algun mal ni tomarles sus haziendas sino para tomar amistad con ellos y enseñarlos a vivir politicamente y mostrarles a conocer á Dios y enseñarles su ley por lo qual se salbaran dandoselo á entender por medio de los religiosos y clerigos y perssonas que para ello diputaren gouernador y por buenas lenguas y procurando por todos los buenos medios possibles que la poblacion se haga con su paz y consentimiento, y si todavia no lo consintieren auiendoles requerido por los muchos medios diverssas vezes los pobladores hagan su poblacion sin tomar de lo que fuere particular de los yndios, y sin hazerles mas daño del que fuere menester para defenssa de los pobladores y para que la poblacion [no] se estorbe.

137. Entretanto que la nueba poblacion ae acaua los pobladores en quanto fuere possible procuren evitar la comunicacion y trato con los yndios y de no yr a sus pueblos ni diuertirse ni derramarse por la tierra, ni que los yndios entren en el circuyto de la poblacion hasta tener hecha y puesta en defenssa y las cassas de manera que quando los yndios las vean les cause admiracion, y entiendan que los españoles pueblan alli de assiento y no de passo y los teman para no ossar ofender y rrespeten para dessear su amistad, y en començandose a hazer la poblacion, el gouernador reparta alguna persona que se ocupe en sembrar y cultivar la tierra de pan y legumbres de que luego se puedan socorrer para sus mantenimientos y que los ganados que metieren se apaçienten donde esten seguros y no hagan daño en heredad ni cossa de los yndios para que assi mesmo de los susodichos ganados y sus crias se puedan serbir socorrer y sustentar la poblacion. . . .

TRANSLATION

ROYAL ORDINANCES FOR NEW TOWNS, ETC.

San Lorenzo, July 3, 1573. I the King. Ordinances for discoveries, new settlements, and pacifications.

110. . . . Having made the chosen discovery of the province, district, and land which is to be settled, and the sites of the places where the new towns are to be made, and the agreement in regard to them having preceded, those who

go to execute this shall perform it in the following manner: On arriving at the place where the town is to be laid out (which we order to be one of those vacant and which by our ordinance may be taken without doing hurt to the indians and natives, or with their free consent), the plan of the place shall be determined, and its plazas, streets, and building lots laid out exactly, beginning with the main plaza. From thence the streets, gates, and principal roads, shall be laid out, always leaving a certain proportion of open space, so that although the town should continue to grow, it may always grow in the same manner. Having arranged the site and place that shall have been chosen for settlement, the foundation shall be made in the following manner.

111. Having chosen the place where the town is to be made, which as above-said must be located in an elevated place, where are to be found health, strength, fertility, and abundance of land for farming and pasturage, fuel and wood for building, materials, fresh water, a native people, commodiousness, supplies, entrance and departure open to the north wind. If the site lies along the coast, let consideration be had to the port and that the sea be not situated to the south or to the west. If possible, let there be no lagoons or marshes nearby in which are found venomous animals and corruption of air and water.

112. The main plaza whence a beginning is to be made, if the town is situated on the seacoast, should be made at the landing place of the port. If the town lies inland, the main plaza should be in the middle of the town. The plaza shall be of an oblong form, which shall have at the least a length equal to one and a half times the width, inasmuch as this size is the best for fiestas in which horses are used and for any other fiestas that shall be held.

113. The size of the plaza shall be proportioned to the number of the inhabitants, having consideration to the fact that in indian towns, inasmuch as they are new, the population will continue to increase, and it is the purpose that it shall increase. Consequently, the choice of a plaza shall be made with reference to the growth that the town may have. It shall be not less than two hundred feet wide and three hundred feet long, nor larger than eight hundred feet long and thirty two feet [*sic*] wide. A moderate and good proportion is six hundred feet long and four hundred feet wide.

114. From the plaza shall run four main streets, one from the middle of each side of the plaza; and two streets at each corner of the plaza. The four corners of the plaza shall face the four principal winds. For the streets running thus from the plaza, they will not be exposed to the four principal winds which cause much inconvenience.

115. The whole plaza round about, and the four streets running from the four sides shall have arcades, for these are of considerable convenience to the merchants who generally gather there. The eight streets running from the plaza at the four corners shall open on the plaza without any arcades and shall be so laid out that they may have sidewalks even with the street and plaza.

116. The streets in cold places shall be wide and in hot places narrow; but for purposes of defense, where horses are to be had, they are better wide.

117. The streets shall run from the main plaza in such wise that although the town increase considerably in size, no inconvenience may arise which may cause what may be rebuilt to become ugly or be prejudicial to its defense and commodiousness.

118. Here and there in the town smaller plazas shall be laid out, in good proportion, where are to be built the temples of the cathedral, the parish churches and the monasteries, such that everything may be distributed in good proportions for the instruction of religion.

119. As for the temple of the cathedral, if the town is situated on the coast, it shall be built in part so that it may be seen on leaving the sea, and in a place where its building may serve as a means of defense for the port itself.

120. For the temple of the cathedral, the parish church, or monastery, building lots shall be assigned, next after the plaza and streets and they shall be so completely isolated that no building shall be added there except one appertaining to its commodiousness and ornamentation.

121. After that a site and location shall be assigned for the royal council and cabildo house and for the custom house and arsenal near the temple and port itself so that in times of need the one may aid the other. The hospital for the poor and those sick of non-contagious diseases shall be built near the temple and its cloister; and that for those sick with contagious diseases shall be built in such a place that no harmful wind passing through it, may cause harm to the rest of the town. If the latter be built in an elevated place, so much the better.

122. The site and building lots for slaughter houses, fisheries, tanneries, and other things productive of filth shall be so placed that the filth can be easily disposed of.

123. It will be of considerable convenience if those towns which are laid out away from the port and inland be built if possible on the shores of a navigable river; and the attempt should be made to have the shore where it is reached by the cold north wind; and that all the trades that give rise to filth be placed on the side of the river and sea below the town.

124. The temple in inland towns shall not be placed on the plaza but distant from it and in such a place that it may be separated from any building which approaches it and which has no connection with it; and so that it may be seen from all parts. In order that it may be better embellished and have more authority, it must, if possible, be built somewhat elevated above the ground in order that steps will lead to its entrance. Nearby close to the main plaza shall be built the royal houses and the council and cabildo house, and the customs house so that they shall not cause any embarrassment to the temple but lend it authority. The hospital of the poor who shall be sick with non-contagious diseases, shall be built facing the cold north wind and so arranged that it may enjoy the south wind.

125. The same arrangement shall be observed in all inland places which have no shore provided that considerable care be given to providing the other conveniences which are required and which are necessary.

126. Building lots shall not be assigned to individual persons in the plaza where are placed the buildings of the church and royal houses and the public land of the city. Shops and houses shall be built for merchants and these shall be the first to be built and for this all the settlers of the town shall contribute, and a moderate tax shall be imposed on goods so that these buildings may be built.

127. The other building lots shall be distributed by lot to the settlers, those lots next to the main plaza being thus distributed and the lots which are left shall be held by us for assignment to those who shall later become settlers, or for the use which we may wish to make of them. And so that this may be done better, the town which is to be laid out should always be shown on a plan.

128. Having made the plan of the town and the assignment of building lots, each of the settlers shall set up his tent on his plot if he should have one. For this purpose the captains shall persuade them to carry tents. Those who do not possess tents shall build their huts of such materials that can be obtained easily, where they may have shelter. As soon as possible all settlers shall make some sort of a palisade or ditch about the plaza so that they may receive no harm from the indian natives.

129. A commons shall be assigned to the town of such size that although the town continues to grow, there may always be sufficient space for the people to go for recreation and for the cattle to be pastured without any danger.

130. Adjoining the commons there shall be assigned pastures for the work animals and for the horses as well as for the cattle belonging to the slaughter-houses and for the usual number of cattle which the settlers must have to some goodly number according to ordinance, and so that they may also be used as the common property of the council. The rest of the land shall be assigned as farm lands, of which lots shall be cast in proportion to the amount, so that there shall be as many farms as there are building lots in the town. And should there be irrigated lands, lots shall be cast for them, and they shall be distributed in the same proportion to the first settlers according to their lots. The rest shall remain for ourselves so that we may assign it to those who may become settlers.

131. The settlers shall immediately plant all the seeds they take with them and all that they can obtain on the farm lands after their distribution. For this purpose, it is advisable that they go well provided; and in the pastures especially all the cattle that they take with them and all that they can collect so that the cattle may begin to breed and multiply immediately.

132. The settlers having planted their seeds and made arrangements for the cattle to a goodly number, and with good diligence (from which they may hope to obtain abundance of food), shall commence with great care and activity to establish their houses and to build them with good foundations and walls. For that purpose they shall go provided with molds or planks for buildings them, and all the other tools for building quickly and at small cost.

133. They shall arrange the building lots and edifices placed thereon in such a manner that the rooms of the latter may enjoy the air of the south and north as these are the best. The buildings of the houses of the whole town generally shall be so arranged that they shall serve as a defense and fort against those who may try to disturb or invade the town. Each house in particular shall be so built that they may keep therein their horses and work animals, and shall have yards and corrals as large as possible for health and cleanliness.

134. They shall try so far as possible to have the buildings all of one form for the sake of the beauty of the town.

135. The faithful executors and architects and persons who may be deputed therefor by the governor shall be most careful in the performance of the above. They shall hurry the labor and building so that the town may be completed in a short time.

136. Should the natives care to place themselves under the defense of the town, they must be made to understand that it is desired to build a town there not in order to do them any harm nor to take their possessions from them, but to maintain friendship with them and to teach them to live in a civilized manner, to teach

them to know God, and to teach them His law, under which they shall be saved. This shall be imparted to them by the religious, ecclesiastical persons, and persons deputed therefor by the governor and by means of good interpreters. By means of all good methods possible, the attempt shall be made to have the town laid out with their goodwill and consent. However, should they not consent after having been summoned by various means on different occasions, the settlers shall lay out their town, but without taking anything that may belong in particular to the indians and without doing them other hurt than what may be necessary for the defense of the settlers and so that the town should [not] be molested.

137. Until the new town shall have been completed, the settlers shall try as much as possible to avoid communication and intercourse with the indians and shall not go to their towns and shall not amuse themselves nor give themselves up to sensual pleasures in the land. Neither shall the indians enter the precincts of the town until after it has been built and placed in a condition of defense, and the houses so built that when the indians see them they shall wonder and understand that the Spaniards settle there for good and not for the moment only; and so that they may fear them so much that they will not offend them and shall respect them so much as to desire their friendship. When they begin to build the town, the governor shall assign some one person to take care of the sowing and cultivation of the land with wheat and vegetables of which the settlers may immediately make use for their maintenance. He shall also see that the cattle are put out to pasture where they shall be safe and where they shall cause no hurt to the cultivated land nor to anything belonging to the indians; and so that also the town may be served, aided, and sustained by the aforesaid cattle and their young. . . .